



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ALK/RCC
F. #2020R00471

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 2, 2025

By ECF

The Honorable Rachel P. Kovner
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Toney Jones
Criminal Docket 23-378 (RPK)

Dear Judge Kovner:

The government respectfully submits this letter in response to defendant Toney Jones's sentencing submission, ECF No. 35, and in advance of his sentencing, which is scheduled for April 9, 2025, at 2:00 p.m. On August 12, 2024, the defendant pleaded guilty, pursuant to a plea agreement, to Count 5 of the Indictment charging a violation of the Endangered Species Act (the "ESA"). For the reasons below and in accordance with the plea agreement, the government recommends the Court impose a sentence of 12 months' probation and a \$10 special assessment.

I. Background

Jones's co-defendant, John Waldrop, amassed a collection of thousands of taxidermy bird mounts and preserved eggs. Between 2016 and 2020, Waldrop imported the majority of his collection in violation of U.S. laws and regulations. The ESA required importers to accurately declare wildlife and present the items for inspection. The ESA also had permit requirements for wildlife listed under the Migratory Bird Treaty Act and Convention on International Trade in Endangered Species of Wild Flora and Fauna. *See* Indictment 3-9. The ESA requirements allow scientists and authorities to have accurate data for the wildlife trade, to ensure that declared species are what they claim to be, to have the required permits for protected species, and to screen for invasive species and pests.

Waldrop initially smuggled the wildlife into the United States using his own name and address. But by 2016, U.S. authorities regularly intercepted his imports. Waldrop accordingly recruited Jones to aid and abet his scheme to illegally obtain birds and eggs. Waldrop used e-mail and bank accounts in Jones's name to continue buying and importing wildlife and had them shipped to Jones's Alabama residence. Jones would then deliver the packages to Waldrop.

Jones also took an active role in the illegal conduct. For example, at trial the government would have proven through bank records and related testimony that Jones deposited approximately \$525,000 in cash to his bank account from June 2016 to November 2019. That bank account was then linked to PayPal to pay for many of the illegal bird imports, with \$523,000 of corresponding withdrawals during the same period. Waldrop also paid Jones thousands of dollars by checks with notations referencing birds or eBay, a site Waldrop used to purchase many of the mounts.

Also, in March 2019 inspectors at John F. Kennedy (“JFK”) International Airport intercepted a package containing two bird mounts heading to Jones’s address. Jones signed the abandonment form but still continued to work with Waldrop to illegally import wildlife.

Jones ultimately pleaded guilty to importing a Levant sparrowhawk, which is protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”). This package was intercepted at JFK Airport from Hungary on or about May 15, 2020. Neither Jones nor Waldrop declared the shipment or had the required CITES permit, as required by the ESA. Email records corroborated that an account in Jones’s name was used to negotiate the purchase two weeks earlier for approximately \$710. The Levant sparrowhawk is pictured below.



II. Discussion

Pursuant to U.S.S.G. § 1B1.9, the guidelines do not apply to a Class B misdemeanor conviction. An analysis of the Section 3553(a) factors supports a probationary sentence. Looking at the nature of the violation, it is clear that the scheme to illegally import birds and eggs was to

